

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Otto, Anchia, Harless, Howard, et al.

H.B. No. 6

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation and re-creation of funds and accounts in  
3 the state treasury, the dedication and rededication of revenue, and  
4 the exemption of unappropriated money from use for general  
5 governmental purposes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. DEFINITION. In any provision of this Act that  
8 does not amend current law, "state agency" means an office,  
9 institution, or other agency that is in the executive branch of  
10 state government, has authority that is not limited to a  
11 geographical portion of the state, and was created by the  
12 constitution or a statute of this state. The term does not include  
13 an institution of higher education as defined by Section 61.003,  
14 Education Code.

15 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.  
16 Except as otherwise specifically provided by this Act, all funds  
17 and accounts created or re-created in the state treasury by an Act  
18 of the 83rd Legislature, Regular Session, 2013, that becomes law  
19 and all dedications or rededications of revenue in the state  
20 treasury or otherwise collected by a state agency for a particular  
21 purpose by an Act of the 83rd Legislature, Regular Session, 2013,  
22 that becomes law are abolished on the later of August 31, 2013, or  
23 the date the Act creating or re-creating the fund or account or  
24 dedicating or rededicating revenue takes effect.

1 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND  
2 ACCOUNTS. Section 2 of this Act does not apply to:

3 (1) statutory dedications, funds, and accounts that  
4 were enacted before the 83rd Legislature convened to comply with  
5 requirements of state constitutional or federal law;

6 (2) dedications, funds, or accounts that remained  
7 exempt from former Section 403.094(h), Government Code, at the time  
8 dedications, accounts, and funds were abolished under that  
9 provision;

10 (3) increases in fees or in other revenue dedicated as  
11 described by this section; or

12 (4) increases in fees or in other revenue required to  
13 be deposited in a fund or account described by this section.

14 SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not  
15 apply to funds created pursuant to an Act of the 83rd Legislature,  
16 Regular Session, 2013, for which separate accounting is required by  
17 federal law, except that the funds shall be deposited in accounts in  
18 the general revenue fund unless otherwise required by federal law.

19 SECTION 5. TRUST FUNDS. Section 2 of this Act does not  
20 apply to trust funds or dedicated revenue deposited to trust funds  
21 created under an Act of the 83rd Legislature, Regular Session,  
22 2013, except that the trust funds shall be held in the state  
23 treasury, with the comptroller in trust, or outside the state  
24 treasury with the comptroller's approval.

25 SECTION 6. BOND FUNDS. Section 2 of this Act does not apply  
26 to bond funds and pledged funds created or affected by an Act of the  
27 83rd Legislature, Regular Session, 2013, except that the funds

1 shall be held in the state treasury, with the comptroller in trust,  
2 or outside the state treasury with the comptroller's approval.

3 SECTION 7. CONSTITUTIONAL FUNDS. Section 2 of this Act does  
4 not apply to funds or accounts that would be created or re-created  
5 by the Texas Constitution or revenue that would be dedicated or  
6 rededicated by the Texas Constitution under a constitutional  
7 amendment proposed by the 83rd Legislature, Regular Session, 2013,  
8 or to dedicated revenue deposited to funds or accounts that would be  
9 so created or re-created, if the constitutional amendment is  
10 approved by the voters.

11 SECTION 8. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.  
12 Effective September 1, 2013, Sections 403.095(b), (d), and (e),  
13 Government Code, are amended to read as follows:

14 (b) Notwithstanding any law dedicating or setting aside  
15 revenue for a particular purpose or entity, dedicated revenues, in  
16 a total amount not to exceed \$4 billion, that [7] on August 31, 2015  
17 [2013], are estimated to exceed the amount appropriated by the  
18 General Appropriations Act or other laws enacted by the 83rd [82nd]  
19 Legislature are available for general governmental purposes and are  
20 considered available for the purpose of certification under Section  
21 403.121. It is the intent of the legislature that dedicated  
22 revenues that exceed the total amount that this subsection makes  
23 available for general governmental purposes and for certification  
24 must be used for the purposes for which the revenues are dedicated.

25 (d) Following certification of the General Appropriations  
26 Act and other appropriations measures enacted by the 83rd [82nd]  
27 Legislature, the comptroller shall reduce each dedicated account as

1 directed by the legislature by an amount that may not exceed the  
2 amount by which estimated revenues and unobligated balances exceed  
3 appropriations. The reductions may be made in the amounts and at  
4 the times necessary for cash flow considerations to allow all the  
5 dedicated accounts to maintain adequate cash balances to transact  
6 routine business. The legislature may authorize, in the General  
7 Appropriations Act, the temporary delay of the excess balance  
8 reduction required under this subsection. This subsection does  
9 not apply to revenues or balances in:

- 10           (1) funds outside the treasury;
- 11           (2) trust funds, which for purposes of this section  
12 include funds that may or are required to be used in whole or in part  
13 for the acquisition, development, construction, or maintenance of  
14 state and local government infrastructures, recreational  
15 facilities, or natural resource conservation facilities;
- 16           (3) funds created by the constitution or a court; or
- 17           (4) funds for which separate accounting is required by  
18 federal law.

19           (e) This section expires [~~on~~] September 1, 2015 [~~2013~~].

20           SECTION 9. EFFECT OF ACT. (a) This Act prevails over any  
21 other Act of the 83rd Legislature, Regular Session, 2013,  
22 regardless of the relative dates of enactment, that:

23           (1) purports to create or re-create a special fund or  
24 account in the state treasury;

25           (2) purports to dedicate or rededicate revenue to a  
26 particular purpose, including any fund, account, or revenue  
27 dedication abolished under former Section 403.094, Government

1 Code; or

2 (3) amends Section 403.095, Government Code.

3 (b) Revenue that, under the terms of another Act of the 83rd  
4 Legislature, Regular Session, 2013, would be deposited to the  
5 credit of a special account or fund shall be deposited to the credit  
6 of the undedicated portion of the general revenue fund unless the  
7 fund, account, or dedication is exempted under this Act.

8 SECTION 10. EFFECTIVE DATE. Except as otherwise provided  
9 by this Act:

10 (1) this Act takes effect immediately if this Act  
11 receives a vote of two-thirds of all the members elected to each  
12 house, as provided by Section 39, Article III, Texas Constitution;  
13 and

14 (2) if this Act does not receive the vote necessary for  
15 immediate effect, this Act takes effect on the 91st day after the  
16 last day of the legislative session.

**ADOPTED**

MAY 21 2013

*Atty Gen*  
Secretary of the Senate

By: WILLIAMS

H.B. No. 6

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: [Signature]

C.S. \_\_\_B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation and re-creation of funds and accounts in  
3 the state treasury, the dedication and rededication of revenue, and  
4 the exemption of unappropriated money from use for general  
5 governmental purposes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. DEFINITION. In any provision of this Act that  
8 does not amend current law, "state agency" means an office,  
9 institution, or other agency that is in the executive branch of  
10 state government, has authority that is not limited to a  
11 geographical portion of the state, and was created by the  
12 constitution or a statute of this state. The term does not include  
13 an institution of higher education as defined by Section 61.003,  
14 Education Code.

15 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.  
16 Except as otherwise specifically provided by this Act, all funds  
17 and accounts created or re-created in the state treasury by an Act  
18 of the 83rd Legislature, Regular Session, 2013, that becomes law  
19 and all dedications or rededications of revenue in the state  
20 treasury or otherwise collected by a state agency for a particular  
21 purpose by an Act of the 83rd Legislature, Regular Session, 2013,  
22 that becomes law are abolished on the later of August 31, 2013, or  
23 the date the Act creating or re-creating the fund or account or  
24 dedicating or rededicating revenue takes effect.

1 SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND  
2 ACCOUNTS. Section 2 of this Act does not apply to:

3 (1) statutory dedications, funds, and accounts that  
4 were enacted before the 83rd Legislature convened to comply with  
5 requirements of state constitutional or federal law;

6 (2) dedications, funds, or accounts that remained  
7 exempt from former Section 403.094(h), Government Code, at the time  
8 dedications, accounts, and funds were abolished under that  
9 provision;

10 (3) increases in fees or in other revenue dedicated as  
11 described by this section; or

12 (4) increases in fees or in other revenue required to  
13 be deposited in a fund or account described by this section.

14 SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not  
15 apply to funds created pursuant to an Act of the 83rd Legislature,  
16 Regular Session, 2013, for which separate accounting is required by  
17 federal law, except that the funds shall be deposited in accounts in  
18 the general revenue fund unless otherwise required by federal law.

19 SECTION 5. TRUST FUNDS. Section 2 of this Act does not  
20 apply to trust funds or dedicated revenue deposited to trust funds  
21 created under an Act of the 83rd Legislature, Regular Session,  
22 2013, except that the trust funds shall be held in the state  
23 treasury, with the comptroller in trust, or outside the state  
24 treasury with the comptroller's approval.

25 SECTION 6. BOND FUNDS. Section 2 of this Act does not apply  
26 to bond funds and pledged funds created or affected by an Act of the  
27 83rd Legislature, Regular Session, 2013, except that the funds

1 shall be held in the state treasury, with the comptroller in trust,  
2 or outside the state treasury with the comptroller's approval.

3 SECTION 7. CONSTITUTIONAL FUNDS. Section 2 of this Act does  
4 not apply to funds or accounts that would be created or re-created  
5 by the Texas Constitution or revenue that would be dedicated or  
6 rededicated by the Texas Constitution under a constitutional  
7 amendment proposed by the 83rd Legislature, Regular Session, 2013,  
8 or to dedicated revenue deposited to funds or accounts that would be  
9 so created or re-created, if the constitutional amendment is  
10 approved by the voters.

11 SECTION 8. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.  
12 Effective September 1, 2013, Sections 403.095(b), (d), and (e),  
13 Government Code, are amended to read as follows:

14 (b) Notwithstanding any law dedicating or setting aside  
15 revenue for a particular purpose or entity, dedicated revenues that  
16 ~~[7]~~ on August 31, 2015 ~~[2013]~~, are estimated to exceed the amount  
17 appropriated by the General Appropriations Act or other laws  
18 enacted by the 83rd ~~[82nd]~~ Legislature are available for general  
19 governmental purposes and are considered available for the purpose  
20 of certification under Section 403.121.

21 (d) Following certification of the General Appropriations  
22 Act and other appropriations measures enacted by the 83rd ~~[82nd]~~  
23 Legislature, the comptroller shall reduce each dedicated account as  
24 directed by the legislature by an amount that may not exceed the  
25 amount by which estimated revenues and unobligated balances exceed  
26 appropriations. The reductions may be made in the amounts and at  
27 the times necessary for cash flow considerations to allow all the

1 dedicated accounts to maintain adequate cash balances to transact  
2 routine business. The legislature may authorize, in the General  
3 Appropriations Act, the temporary delay of the excess balance  
4 reduction required under this subsection. This subsection does  
5 not apply to revenues or balances in:

6 (1) funds outside the treasury;

7 (2) trust funds, which for purposes of this section  
8 include funds that may or are required to be used in whole or in part  
9 for the acquisition, development, construction, or maintenance of  
10 state and local government infrastructures, recreational  
11 facilities, or natural resource conservation facilities;

12 (3) funds created by the constitution or a court; or

13 (4) funds for which separate accounting is required by  
14 federal law.

15 (e) This section expires ~~on~~ September 1, 2015 ~~[2013]~~.

16 SECTION 9. EFFECT OF ACT. (a) This Act prevails over any  
17 other Act of the 83rd Legislature, Regular Session, 2013,  
18 regardless of the relative dates of enactment, that:

19 (1) purports to create or re-create a special fund or  
20 account in the state treasury;

21 (2) purports to dedicate or rededicate revenue to a  
22 particular purpose, including any fund, account, or revenue  
23 dedication abolished under former Section 403.094, Government  
24 Code; or

25 (3) amends Section 403.095, Government Code.

26 (b) Revenue that, under the terms of another Act of the 83rd  
27 Legislature, Regular Session, 2013, would be deposited to the

1 credit of a special account or fund shall be deposited to the credit  
2 of the undedicated portion of the general revenue fund unless the  
3 fund, account, or dedication is exempted under this Act.

4 SECTION 10. EFFECTIVE DATE. Except as otherwise provided  
5 by this Act:

6 (1) this Act takes effect immediately if this Act  
7 receives a vote of two-thirds of all the members elected to each  
8 house, as provided by Section 39, Article III, Texas Constitution;  
9 and

10 (2) if this Act does not receive the vote necessary for  
11 immediate effect, this Act takes effect on the 91st day after the  
12 last day of the legislative session.

# ADOPTED

MAY 21 2013

FLOOR AMENDMENT NO. 1

*Atty. Gen.*  
Secretary of the Senate

BY:

*Allen*

1 Amend C.S.H.B. No. 6 (senate committee report) as follows:

2 (1) In SECTION 1 of the bill (page 1, line 34), between  
3 "executive branch" and "of", insert "or the judicial branch".

4 (2) In SECTION 2 of the bill (page 1, line 42), strike "in  
5 the state treasury".

6 (3) Add the following appropriately numbered SECTION to the  
7 bill:

8 SECTION \_\_. SEPARATE FUNDS IN THE TREASURY. Effective on  
9 the later of the effective date of the Act creating or re-  
10 creating the specified fund or August 31, 2013, the following  
11 funds, if created by an Act of the 83rd Legislature, Regular  
12 Session, 2013, the revenue deposited to the funds, and the  
13 revenue dedicated for deposit to the funds, are exempt from  
14 Section 2 of this Act and the funds are created in as separate  
15 funds in the state treasury:

16 (1) the Texas economic development fund, created as a  
17 fund in the state treasury by Senate Bill No. 1214 or similar  
18 legislation; and

19 (2) the permanent fund supporting military and  
20 veterans exemptions, created as a special fund in the treasury  
21 by Senate Bill No. 1158 or similar legislation.

22 (4) Add the following appropriately numbered SECTION to the  
23 bill:

24 SECTION \_\_. REVENUE DEDICATION. Effective on the later of  
25 the effective date of the Act dedicating or rededicating the  
26 specified revenue or August 31, 2013, the following dedications  
27 or rededications of revenue collected for a particular purpose  
28 are exempt from Section 2 of this Act, if dedicated or  
29 rededicated by an Act of the 83rd Legislature, Regular Session,

1 2013:

2 (1) the dedication of penalty revenue to the  
3 compensation to victims of crime fund as provided by House Bill  
4 No. 508 or similar legislation;

5 (2) the dedication of fee and penalty revenue for  
6 deposit to and revenue held in the oyster sales account in the  
7 general revenue fund provided by House Bill No. 1903 or similar  
8 legislation;

9 (3) the dedication of voluntary contributions for  
10 deposit to the fund for veterans' assistance provided by House  
11 Bill No. 633 or similar legislation; and

12 (4) the rededication of revenue held in the system  
13 benefit fund as provided by House Bill No. 7 or similar  
14 legislation.

15 (5) Renumber the SECTIONS of the bill appropriately.

# ADOPTED

FLOOR AMENDMENT NO. 4

MAY 21 2013

*Letay Spaw*  
Secretary of the Senate

BY:

*William*  
*Prater*

1 Amend C.S.H.B. No. 6 (senate committee report) by striking  
2 SECTION 8 of the bill (page 2, lines 27 through 58) and  
3 substituting the following:

4 SECTION 8. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.

5 (a) If S.J.R. No. 1 of the 83rd Legislature, Regular Session,  
6 2013, is approved by both houses of the legislature, and if, on  
7 or before September 1, 2013, Section 39.9039, Utilities Code, as  
8 proposed by H.B. No. 7 or similar legislation of the 83rd  
9 Legislature, Regular Session, 2013, becomes law, effective  
10 September 1, 2013, Section 403.095, Government Code, is amended  
11 by amending Subsections (b), (d), and (e) and adding Subsection  
12 (b-1) to read as follows:

13 (b) Notwithstanding any law dedicating or setting aside  
14 revenue for a particular purpose or entity, an amount of  
15 dedicated revenues, not to exceed a total of \$1 billion, that  
16 [7] on August 31 of an odd-numbered year is[7-2013, are]  
17 estimated to exceed the amount appropriated by the General  
18 Appropriations Act or other laws enacted by the legislature is  
19 [82nd Legislature are] available for general governmental  
20 purposes and is [are] considered available for the purpose of  
21 certification under Section 403.121. It is the intent of the  
22 legislature that dedicated revenues that exceed the total amount  
23 that this subsection makes available for general governmental  
24 purposes and for certification must be used for the purposes for  
25 which the revenues are dedicated.

26 (b-1) Notwithstanding the limitation provided by  
27 Subsection (b), the amount of dedicated revenues described by  
28 that subsection that on August 31 of an odd-numbered year is  
29 estimated to exceed the amount appropriated by the General

1 Appropriations Act or other laws enacted by the legislature is  
2 considered available for general governmental purposes and for  
3 the purpose of the certification under Section 403.121 in an  
4 amount not to exceed:

5 (1) \$4.2 billion for the fiscal biennium ending  
6 August 31, 2015;

7 (2) \$3.4 billion for the fiscal biennium ending  
8 August 31, 2017;

9 (3) \$2.6 billion for the fiscal biennium ending  
10 August 31, 2019; and

11 (4) \$1.8 billion for the fiscal biennium ending  
12 August 31, 2021.

13 (d) Following certification of the General Appropriations  
14 Act and other appropriations measures enacted by the legislature  
15 [~~82nd Legislature~~], the comptroller shall reduce each dedicated  
16 account as directed by the legislature by an amount that may not  
17 exceed the amount by which estimated revenues and unobligated  
18 balances exceed appropriations. The reductions may be made in  
19 the amounts and at the times necessary for cash flow  
20 considerations to allow all the dedicated accounts to maintain  
21 adequate cash balances to transact routine business. The  
22 legislature may authorize, in the General Appropriations Act,  
23 the temporary delay of the excess balance reduction required  
24 under this subsection. This subsection does not apply to  
25 revenues or balances in:

26 (1) funds outside the treasury;

27 (2) trust funds, which for purposes of this section  
28 include funds that may or are required to be used in whole or in  
29 part for the acquisition, development, construction, or  
30 maintenance of state and local government infrastructures,  
31 recreational facilities, or natural resource conservation

1 facilities;

2 (3) funds created by the constitution or a court; or

3 (4) funds for which separate accounting is required  
4 by federal law.

5 (e) This subsection and Subsection (b-1) expire [~~section~~  
6 ~~expires on~~] September 1, 2023 [~~2013~~].

7 (b) If either of the conditions provided by Subsection (a)  
8 of this section is not met, Subsection (a) of this section has  
9 no effect, and, effective September 1, 2013, Section 403.095,  
10 Government Code, is amended by amending Subsections (b), (d),  
11 and (e) and adding Subsection (b-1) to read as follows:

12 (b) Notwithstanding any law dedicating or setting aside  
13 revenue for a particular purpose or entity, an amount of  
14 dedicated revenues, not to exceed a total of \$1 billion, that  
15 [7] on August 31 of an odd-numbered year is [~~7, 2013, are~~]  
16 estimated to exceed the amount appropriated by the General  
17 Appropriations Act or other laws enacted by the legislature is  
18 [~~82nd Legislature are~~] available for general governmental  
19 purposes and is [~~are~~] considered available for the purpose of  
20 certification under Section 403.121. It is the intent of the  
21 legislature that dedicated revenues that exceed the total amount  
22 that this subsection makes available for general governmental  
23 purposes and for certification must be used for the purposes for  
24 which the revenues are dedicated.

25 (b-1) Notwithstanding the limitation provided by  
26 Subsection (b), the amount of dedicated revenues described by  
27 that subsection that on August 31 of an odd-numbered year is  
28 estimated to exceed the amount appropriated by the General  
29 Appropriations Act or other laws enacted by the legislature is  
30 considered available for general governmental purposes and for  
31 the purpose of the certification under Section 403.121 in an

1 amount not to exceed:

2 (1) \$5.0 billion for the fiscal biennium ending  
3 August 31, 2015;

4 (2) \$4.0 billion for the fiscal biennium ending  
5 August 31, 2017;

6 (3) \$3.0 billion for the fiscal biennium ending  
7 August 31, 2019; and

8 (4) \$2.0 billion for the fiscal biennium ending  
9 August 31, 2021.

10 (d) Following certification of the General Appropriations  
11 Act and other appropriations measures enacted by the legislature  
12 [~~82nd Legislature~~], the comptroller shall reduce each dedicated  
13 account as directed by the legislature by an amount that may not  
14 exceed the amount by which estimated revenues and unobligated  
15 balances exceed appropriations. The reductions may be made in  
16 the amounts and at the times necessary for cash flow  
17 considerations to allow all the dedicated accounts to maintain  
18 adequate cash balances to transact routine business. The  
19 legislature may authorize, in the General Appropriations Act,  
20 the temporary delay of the excess balance reduction required  
21 under this subsection. This subsection does not apply to  
22 revenues or balances in:

23 (1) funds outside the treasury;

24 (2) trust funds, which for purposes of this section  
25 include funds that may or are required to be used in whole or in  
26 part for the acquisition, development, construction, or  
27 maintenance of state and local government infrastructures,  
28 recreational facilities, or natural resource conservation  
29 facilities;

30 (3) funds created by the constitution or a court; or

31 (4) funds for which separate accounting is required

1 by federal law.

2 (e) This subsection and Subsection (b-1) expire [~~section~~  
3 ~~expires on~~] September 1, 2023 [~~2013~~].

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 23, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB6** by Otto (Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **As Passed 2nd House**

**The impact of a cap of \$4,200 million on the amount of dedicated revenue available for certification would depend on estimated revenue collections deposited to, and the amount of appropriation from General Revenue-Dedicated accounts. For example, if revenue collections from General Revenue-Dedicated Accounts exceed appropriations by \$500 million, the amount of revenue available for certification would be reduced by approximately \$1,089.5 million. The fiscal impact of the bill relating to the abolition of funds, accounts allocations, and revenue dedications would depend on future actions of the Legislature and cannot be estimated at this time.**

The bill would abolish all funds, accounts, and revenue dedications created or recreated by the 83rd Legislature, Regular Session, 2013, unless specifically exempted under separate sections of the bill. Any funds, accounts, or revenue dedications abolished under this bill would be deposited to the credit of the unobligated portion of the General Revenue Fund 0001. The bill would define the state agencies to which this act would apply; and it would provide for the abolition of new or re-created funds, accounts, and revenue dedications, unless they were specifically exempted in the bill.

The bill would exempt dedications, funds, and accounts that were enacted before the 83rd Legislature convened to comply with the State Constitution or federal requirements, or that remained exempt from the abolishment and removal of dedication provisions of the former Section 403.094(h) of the Government Code and increases in existing fees or in other revenue that were previously dedicated or required to be deposited in a fund or account exempted prior to the 83rd Legislature, Regular Session, 2013.

The following funds, accounts, and dedications of revenue would be exempt from abolition by this bill, if created or re-created by Acts of the 83rd Legislature, Regular Session (2013): the Texas economic development fund, created as a fund in the state treasury by Senate Bill 1214; the permanent fund supporting military and veterans exemptions, created as a special fund in the treasury by Senate Bill 1158; the dedication of penalty revenue to the compensation to victims of crime fund as provided by House Bill 508; the dedication of fee and penalty revenue for deposit to and revenue held in the oyster sales account in the general revenue fund provided by House Bill 1903; the dedication of voluntary contributions for deposit to the fund for veterans' assistance

provided by House Bill 633 or; and the rededication of revenue held in the system benefit fund as provided by House Bill 7 or similar legislation.

Federal funds, created by the 83rd Legislature, Regular Session, 2013, for which separate accounting is required by federal law, would be exempt. These funds would be deposited into accounts within General Revenue Fund 0001, unless otherwise required by federal law. The bill would exempt all trust funds and bond funds created by the 83rd Legislature, Regular Session, 2013, except that all trust funds would have to be held in the State Treasury, with the Comptroller of Public Accounts (Comptroller) in trust, or outside the State Treasury with the Comptroller's approval. The bill would exempt funds or accounts created or re-created or revenue dedicated or rededicated under a constitutional amendment proposed by an act of the 83rd Legislature, Regular Session, 2013, if approved by the voters.

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to allow the Comptroller, as directed by the Legislature, to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations following certification of all appropriations enacted by the 83rd Legislature.

If Senate Joint Resolution 1 passes both houses of the Eighty-third Legislature, Regular Session and disbursements from the System Benefit Fund as proposed by House Bill 7 or similar legislation of the Eighty-third Legislature, Regular Session, become law on or before September 1, 2013, the bill would limit the amount of unappropriated general revenue dedicated revenue balances that could be used for certification for general government purposes to \$4,200 million in the 2014-15 biennium; \$3,400 million in the 2016-17 biennium; \$2,600 million in the 2018-19 biennium; \$1,800 million in the 2020-21 biennium; and \$1,000 million each biennium thereafter.

If either Senate Joint Resolution 1 fails to pass both houses of the Eighty-third Legislature, Regular Session, or disbursements from the System Benefit Fund as proposed by House Bill 7 or similar legislation of the Eighty-third Legislature, Regular Session, do not become law on or before September 1, 2013, the bill would limit the amount of unappropriated general revenue dedicated revenue balances that could be used for certification for general government purposes to \$5,000 million in the 2014-15 biennium; \$4,000 million in the 2016-17 biennium; \$3,000 million in the 2018-19 biennium; \$2,000 million in the 2020-21 biennium; and \$1,000 million each biennium thereafter.

Dedicated revenues exceeding amounts appropriated by the 83rd Legislature would be available for certification through August 31, 2015. Funds outside of the State Treasury, trust funds, funds created by the State Constitution or a court, and funds for which separate accounting was required by federal law would be exempt from this section. These provisions would expire September 1, 2015.

The provisions of this bill would prevail over any other act of the 83rd Legislature, Regular Session, 2013, regardless of the date of enactment, purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury. The bill would take effect immediately upon enactment, assuming that it received the requisite two thirds majority votes in both houses of the Legislature. Otherwise, it would take effect on the 91st day after the last day of the legislative session.

The funds, accounts, and revenue dedications that would be abolished and become part of General Revenue Fund 0001 cannot be determined at this time. Any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill that are dependent upon the passage of another act of the 83rd Legislature Regular Session, 2013, are dependent upon appropriations made in the 2014-15 General Appropriations Act and cannot be estimated at this time.

The impact of a cap on the amount of dedicated revenue available for certification would depend

on estimated revenue collections deposited to, and the amount of appropriation from General Revenue-Dedicated accounts. The example shown in the box above is based on the Comptroller's estimate of General Revenue-Dedicated Account balances at the beginning of the 2014-15 biennium, totaling approximately \$4,789.5 million. Any net positive or negative impact on the amount of dedicated revenue available for certification is dependent upon the passage of other acts by the 83rd Legislature, Regular Session, 2013, and upon appropriations made in the 2014-15 General Appropriations Act, and cannot be estimated at this time.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, KK, JJ, RS, JI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 18, 2013**

**TO:** Honorable Tommy Williams, Chair, Senate Committee on Finance

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** HB6 by Otto (relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **Committee Report 2nd House, Substituted**

<p><b>The fiscal impact of the bill relating to the abolition of funds, accounts allocations, and revenue dedications would depend on future actions of the Legislature and cannot be estimated at this time.</b></p>
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The bill would abolish all funds, accounts, and revenue dedications created or recreated by the 83rd Legislature, Regular Session, 2013, unless specifically exempted under separate sections of the bill. Any funds, accounts, or revenue dedications abolished under this bill would be deposited to the credit of the unobligated portion of the General Revenue Fund 0001. The bill would define the state agencies to which this act would apply; and it would provide for the abolition of new or re-created funds, accounts, and revenue dedications, unless they were specifically exempted in the bill.

The bill would exempt dedications, funds, and accounts that were enacted before the 83rd Legislature convened to comply with the State Constitution or federal requirements, or that remained exempt from the abolishment and removal of dedication provisions of the former Section 403.094(h) of the Government Code and increases in existing fees or in other revenue that were previously dedicated or required to be deposited in a fund or account exempted prior to the 83rd Legislature, Regular Session, 2013.

Federal funds, created by the 83rd Legislature, Regular Session, 2013, for which separate accounting is required by federal law, would be exempt. These funds would be deposited into accounts within General Revenue Fund 0001, unless otherwise required by federal law. The bill would exempt all trust funds and bond funds created by the 83rd Legislature, Regular Session, 2013, except that all trust funds would have to be held in the State Treasury, with the Comptroller of Public Accounts (Comptroller) in trust, or outside the State Treasury with the Comptroller's approval. The bill would exempt funds or accounts created or re-created or revenue dedicated or rededicated under a constitutional amendment proposed by an act of the 83rd Legislature, Regular Session, 2013, if approved by the voters.

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to allow the Comptroller, as directed by the Legislature, to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations

following certification of all appropriations enacted by the 83rd Legislature. Dedicated revenues exceeding amounts appropriated by the 83rd Legislature would be available for certification through August 31, 2015. Funds outside of the State Treasury, trust funds, funds created by the State Constitution or a court, and funds for which separate accounting was required by federal law would be exempt from this section. These provisions would expire September 1, 2015.

The provisions of this bill would prevail over any other act of the 83rd Legislature, Regular Session, 2013, regardless of the date of enactment, purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury. The bill would take effect immediately upon enactment, assuming that it received the requisite two thirds majority votes in both houses of the Legislature. Otherwise, it would take effect on the 91st day after the last day of the legislative session.

The funds, accounts, and revenue dedications that would be abolished and become part of General Revenue Fund 0001 cannot be determined at this time. Any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill that are dependent upon the passage of another act of the 83rd Legislature Regular Session, 2013, are dependent upon appropriations made in the 2014-15 General Appropriations Act and cannot be estimated at this time.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

### **Source Agencies:**

**LBB Staff:** UP, KK, JI, JJ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 12, 2013**

**TO:** Honorable Tommy Williams, Chair, Senate Committee on Finance

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB6** by Otto (Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **As Engrossed**

**The fiscal impact of the bill relating to the abolition of funds, accounts allocations, and revenue dedications would depend on future actions of the Legislature and cannot be estimated at this time. The impact of a cap of \$4,000 million on the amount of unappropriated dedicated revenue available for certification would depend on estimated revenue collections deposited to, and the amount of appropriation from General Revenue-Dedicated accounts. For example, if revenue collections from General Revenue-Dedicated Accounts exceed appropriations by \$500 million, the amount of revenue available for certification would be reduced by approximately \$1,289.5 million.**

Among other provisions, the bill would implement a recommendation in the Legislative Budget Board's report, "Options to Reduce Reliance on General-Revenue Dedicated Accounts for Certification of the State Budget" submitted to the Eighty-Third Texas Legislature, 2013.

The bill would abolish all funds, accounts, and revenue dedications created or recreated by the 83rd Legislature, Regular Session, 2013, unless specifically exempted under separate sections of the bill. Any funds, accounts, or revenue dedications abolished under this bill would be deposited to the credit of the unobligated portion of the General Revenue Fund 0001. The bill would define the state agencies to which this act would apply; and it would provide for the abolition of new or re-created funds, accounts, and revenue dedications, unless they were specifically exempted in the bill.

The bill would exempt dedications, funds, and accounts that were enacted before the 83rd Legislature convened to comply with the State Constitution or federal requirements, or that remained exempt from the abolishment and removal of dedication provisions of the former Section 403.094(h) of the Government Code and increases in existing fees or in other revenue that were previously dedicated or required to be deposited in a fund or account exempted prior to the 83rd Legislature, Regular Session, 2013.

Federal funds, created by the 83rd Legislature, Regular Session, 2013, for which separate accounting is required by federal law, would be exempt. These funds would be deposited into accounts within General Revenue Fund 0001, unless otherwise required by federal law. The bill would exempt all trust funds and bond funds created by the 83rd Legislature, Regular Session, 2013, except that all trust funds would have to be held in the State Treasury, with the Comptroller

of Public Accounts (Comptroller) in trust, or outside the State Treasury with the Comptroller's approval. The bill would exempt funds or accounts created or re-created or revenue dedicated or rededicated under a constitutional amendment proposed by an act of the 83rd Legislature, Regular Session, 2013, if approved by the voters.

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to allow the Comptroller, as directed by the Legislature, to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations following certification of all appropriations enacted by the 83rd Legislature. Dedicated revenues exceeding amounts appropriated by the 83rd Legislature, in a total amount not to exceed \$4,000 million, would be available for certification through August 31, 2015. Funds outside of the State Treasury, trust funds, funds created by the State Constitution or a court, and funds for which separate accounting was required by federal law would be exempt from this section. These provisions would expire September 1, 2015.

The provisions of this bill would prevail over any other act of the 83rd Legislature, Regular Session, 2013, regardless of the date of enactment, purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury. The bill would take effect immediately upon enactment, assuming that it received the requisite two thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2013.

The funds, accounts, and revenue dedications that would be abolished and become part of General Revenue Fund 0001 cannot be determined at this time. Any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill that are dependent upon the passage of another act of the 83rd Legislature Regular Session, 2013, are dependent upon appropriations made in the 2014-15 General Appropriations Act and cannot be estimated at this time.

The impact of a cap on the amount of unappropriated dedicated revenue available for certification would depend on estimated revenue collections deposited to, and the amount of appropriation from General Revenue-Dedicated accounts. The example shown in the box above is based on the Comptroller's estimate of General Revenue-Dedicated Account balances at the beginning of the 2014-15 biennium, totaling approximately \$4,789.5 million. Any net positive or negative impact on the amount of dedicated revenue available for certification is dependent upon the passage of other acts, certain determinations by the Comptroller, and upon appropriations made by the 83rd Legislature, Regular Session, 2013, and cannot be estimated at this time.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, KK, JI, JJ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 24, 2013**

**TO:** Honorable Jim Pitts, Chair, House Committee on Appropriations

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB6** by Otto (Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.), **As Introduced**

The fiscal impact of the bill relating to the abolition of funds, accounts allocations, and revenue dedications would depend on future actions of the Legislature and cannot be estimated at this time. The impact of a cap of \$4,800 million on the amount of unappropriated dedicated revenue available for certification would depend on estimated revenue collections deposited to, and the amount of appropriation from General Revenue-Dedicated accounts. For example, if revenue collections from General Revenue-Dedicated Accounts exceed appropriations by \$500 million, the amount of revenue available for certification would be reduced by approximately \$489.5 million.

Among other provisions, the bill would implement a recommendation in the Legislative Budget Board's report, "Options to Reduce Reliance on General-Revenue Dedicated Accounts for Certification of the State Budget" submitted to the Eighty-Third Texas Legislature, 2013.

The bill would abolish all funds, accounts, and revenue dedications created or recreated by the 83rd Legislature, Regular Session, 2013, unless specifically exempted under separate sections of the bill. Any funds, accounts, or revenue dedications abolished under this bill would be deposited to the credit of the unobligated portion of the General Revenue Fund 0001. The bill would define the state agencies to which this act would apply; and it would provide for the abolition of new or re-created funds, accounts, and revenue dedications, unless they were specifically exempted in the bill.

The bill would exempt dedications, funds, and accounts that were enacted before the 83rd Legislature convened to comply with the State Constitution or federal requirements, or that remained exempt from the abolishment and removal of dedication provisions of the former Section 403.094(h) of the Government Code and increases in existing fees or in other revenue that were previously dedicated or required to be deposited in a fund or account exempted prior to the 83rd Legislature, Regular Session, 2013.

Federal funds, created by the 83rd Legislature, Regular Session, 2013, for which separate accounting is required by federal law, would be exempt. These funds would be deposited into accounts within General Revenue Fund 0001, unless otherwise required by federal law. The bill would exempt all trust funds and bond funds created by the 83rd Legislature, Regular Session, 2013, except that all trust funds would have to be held in the State Treasury, with the Comptroller

of Public Accounts (Comptroller) in trust, or outside the State Treasury with the Comptroller's approval. The bill would exempt funds or accounts created or re-created or revenue dedicated or rededicated under a constitutional amendment proposed by an act of the 83rd Legislature, Regular Session, 2013, if approved by the voters.

The bill would amend Sections 403.095(b), (d), and (e) of the Government Code to allow the Comptroller, as directed by the Legislature, to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations following certification of all appropriations enacted by the 83rd Legislature. Dedicated revenues exceeding amounts appropriated by the 83rd Legislature, in a total amount not to exceed \$4,800 million, would be available for certification through August 31, 2015. Funds outside of the State Treasury, trust funds, funds created by the State Constitution or a court, and funds for which separate accounting was required by federal law would be exempt from this section. These provisions would expire September 1, 2015.

The provisions of this bill would prevail over any other act of the 83rd Legislature, Regular Session, 2013—regardless of the date of enactment—purporting to dedicate or rededicate a fund, account, or revenue in the State Treasury. The bill would take effect immediately upon enactment, assuming that it received the requisite two thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2013.

The funds, accounts, and revenue dedications that would be abolished and become part of General Revenue Fund 0001 cannot be determined at this time. Any net gain or loss from the re-creation of existing funds or accounts as exempted in this bill that are dependent upon the passage of another act of the 83rd Legislature Regular Session, 2013, are dependent upon appropriations made in the 2014-15 General Appropriations Act and cannot be estimated at this time.

The impact of a cap on the amount of unappropriated dedicated revenue available for certification would depend on estimated revenue collections deposited to, and the amount of appropriation from General Revenue-Dedicated accounts. The example shown in the box above is based on the Comptroller's estimate of General Revenue-Dedicated Account balances at the beginning of the 2014-15 biennium, totaling approximately \$4,789.5 million. Any net positive or negative impact on the amount of dedicated revenue available for certification is dependent upon the passage of other acts, certain determinations by the Comptroller, and upon appropriations made by the 83rd Legislature, Regular Session, 2013, and cannot be estimated at this time.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, KK, JI, JJ